

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

WILLIAM S. GAMBILL

PLAINTIFF

V.

CIVIL ACTION NO. 3:19-cv-470-CWR-FKB

YRC, INC., D/B/A
YRC FREIGHT

DEFENDANT

NOTICE OF REMOVAL TO FEDERAL COURT

Defendant, YRC Inc., d/b/a YRC Freight (“YRC”) hereby removes this case from the Circuit Court of Hinds County, Mississippi to the United States District Court for the Southern District of Mississippi, Southern Division. In support of this Notice, Defendant states:

1. Plaintiff's complaint was filed in the Circuit Court of Harrison County, Mississippi, First Judicial District, on June 5, 2019 and designated by Cause No. 25CI1:19-cv-00363.
2. YRC was served with Plaintiff's Complaint and Summons through its agent for service of process on June 7, 2019. YRC is timely filing the present Notice of Removal within thirty (30) days of service as required by 28 U.S.C. §1446(b).
3. This lawsuit is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1441 (a) and (c), as the Complaint alleges claims which arise under the federal laws of the United States.
4. In his Complaint, Plaintiff asserts only claims arising under the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq., and the Family and Medical Leave Act, 29 U.S.C. §2901, et seq. *See* Complaint, p. 1. Consequently, this Court has federal question jurisdiction over this action pursuant to the provisions of 28 U.S.C. § 1441(c).

5. Pursuant to 28 U.S.C. § 1446(a), attached hereto as Exhibit "A" is a copy of the Civil Docket Sheet for the Circuit Court of Hinds County, Mississippi; as Exhibit "B" is Plaintiff's Complaint together with all exhibits attached thereto; as Exhibit "C" is the Civil Cover Sheet for Hinds County Circuit Court; as Exhibit "D" is the Summons issued for Defendant from Circuit Court in Hinds County, Mississippi, as Exhibit "E" is the Notice of Appearance for Plaintiff's Counsel, Nick Norris. These documents comprise the entire file of the Circuit Court of Hinds County, Mississippi for this matter and all documents and process served upon Defendant.

6. In accordance with the requirements of 28 U.S.C. § 1446(d), upon filing this Notice, Defendants have given written notice to Plaintiff and the Clerk of the Circuit Court of Hinds County, Mississippi by furnishing to each a copy of this Notice and all attachments hereto. A copy of the Notice of Filing Notice of Removal is attached hereto as Exhibit "F."

WHEREFORE, Defendant hereby removes this action to the United States District Court for the Southern District of Mississippi, Northern Division.

This the 2nd day of July, 2019.

Respectfully submitted,

/s/ M. Kimberly Hodges
M. Kimberly Hodges (MS Bar No. 100276)
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ATTORNEYS FOR YRC INC.

CERTIFICATE OF SERVICE

I, the undersigned counsel certify that a copy of the foregoing is being served on counsel for the Plaintiff and Hinds County Circuit Court, MS, as follows:

Nick Norris, Esq.
Watson & Norris, PLLC
1880 Lakeland Drive, Suite G
Jackson, MS 39216
nick@watsonnorris.com

Served this day via this Court's electronic filing system

Zack Wallace
Circuit Clerk
Hinds County Circuit Court, MS
P.O. Box 327
Jackson, MS 39205

Served this day by United States mail, first class postage prepaid

This the 2nd day of July, 2019.

/s/ M. Kimberly Hodges
M. KIMBERLY HODGES

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